

REMARKS

The specification has been amended to correct the government rights clause. No new matter is added by entry of this amendment.

Claims 10, 17, and 27 have been amended to delete the phrase “using a computer for:” that was added by Examiner’s Amendment in the Notice of Allowance. The “using a computer for” phrase is unnecessary in claim 10 because claim 10 is already tied to a particular machine: an endoscope (“comparing a subject color medical image acquired using an *endoscope* to normal color medical image data”). As the Federal Circuit in *Bilski* noted, not every step must be explicitly tied to a particular machine. *In re Bilski*, 545 F.3d 943, 958 (Fed. Cir. 2008) (en banc) (“Thus, *it is irrelevant* that any individual step or limitation of such processes by itself would be unpatentable under § 101.”) (emphasis added; citation omitted). The August 24, 2009 “New Interim Patent Subject Matter Eligibility Examination Instructions” confirm this as well. *See* Process Example: Claim 5 at page 15 of the Presentation, where *only one step of three is tied to a particular machine* (the comparing step).

The “using a computer for” phrase is unnecessary in claim 17 because claim 17 is already tied to a particular machine: an endoscope (“graphically displaying a subject color medical image acquired using an *endoscope*”).

The “using a computer for” phrase is unnecessary in claim 27 because claim 27 is already tied to a particular machine: an endoscope (“acquiring a subject color medical image using an *endoscope*”).

Claims 34 and 35 have been amended to reintroduce the term “programmed,” which had been part of the phrase “specifically programmed” that was deleted by Examiner’s Amendment in the Notice of Allowance. This change has been made to ensure compliance with *Bilski* as

outlined in the August 24, 2009 Interim Guidelines. *See* page 6 of the memorandum, discussing “programming” in second full paragraph.

No fees are believed to be due in connection with this filing; however, should fees be due under 37 C.F.R. §§ 1.16 to 1.21, the Commissioner is authorized to deduct the appropriate fees from Fulbright & Jaworski Deposit Account No.: 50-1212/IOWA:047US.

The Examiner is invited to contact the undersigned attorney with any questions, comments or suggestions relating to the referenced patent application.

Respectfully submitted,

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